

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

WILLIAM L. LABOR, SR. and
LINDA LABOR, his wife,

Plaintiffs,

v.

Civil Action No.: 3:09-cv-1450 [TJM/DEP]

JRT REALTY OF BROOME, LLC and
MARCOL ENTERPRISES, LLC

Defendants.

JRT REALTY OF BROOME, LLC and
MARCOL ENTERPRISES, LLC,

Defendants/Third-Party Plaintiffs,

v.

BRIAN WILLIAMS, Individually and d/b/a
WILLIAMS CONTRACTING and SELECTIVE
INSURANCE COMPANY OF AMERICA,

Third-Party Defendants.

FRCP RULE 41 NOTICE OF DISMISSAL WITHOUT PREJUDICE

The Third-Party Plaintiffs, JRT Realty of Broome, LLC and Marcol Enterprises, LLC, through their attorneys, Knych & Whritenour, LLC, hereby dismisses without prejudice the portion of the above Third-Party action against the Third-Party Defendant, Selective Insurance Company of America and this notice is filed prior to the receipt of an Answer by the Selective Insurance Company of America and the remaining causes for action against Brian Williams, Individually and d/b/a Williams Contracting shall be unaffected by this notice.

Dated: 8/2/2010



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IT IS SO ORDERED:



David E. Peebles
U.S. Magistrate Judge

Dated: 8/3/10